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Religion, ideology and politics during the ancien regime

J. C. D. CLARK



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CHAPTER I

From Restoration to Reconciliation, 1660–1760

I. THE LONG SHADOW OF A WAR OF RELIGION

At the Restoration, Englishmen who looked back on the events of the previous two decades were easily able to set them in their most obvious context. Since the Reformation, large parts of Europe had been devastated by wars of religion.¹ In an unpublished manuscript tract of December 1660, John Locke rightly observed how

almost all those tragical revolutions which have exercised Christendom these many years have turned upon this hinge, that there hath been no design so wicked which hath not worn the vizard of religion, nor rebellion which hath not been so kind to itself as to assume the specious name of reformation . . . all those flames that have made such havoc and desolation in Europe, and have not been quenched but with the blood of so many millions, have been at first kindled with coals from the altar . . .²

Political tyranny and material suffering had shown the unmistakable notes of heresy, sacrilege and fanaticism. John Evelyn's panegyric on Charles II dwelt on just these horrors of the former regime:

Let us then call to mind (and yet for ever cursed be the memory of it) those dismal clouds, which lately orespread us, when we served the lusts of those immane Usurpers, greedy of power, that themselves might be under none; Cruel, that they might murder the Innocent without cause; Rich, with the publick poverty; strong, by putting the sword into the hands of furies, and prosperous by unheard of perfidie. Armies, Battails, Impeaching, Imprisonment, Arraining, Condemning, Proscribing, Plundering, Gibbets and Executions were the eloquent expressions of our miseries: There was no language

¹ For the influence of one section of that conflict, see J. H. M. Salmon, *The French Religious Wars in English Political Thought* (Oxford, 1959). For English sectarianism see especially Michael Watts, *The Dissenters* (2 vols., Oxford, 1978–95), I, passim. For the 1640s, see John Morrill, *The Nature of the English Revolution* (London, 1993), esp. ch. 2, 'England's Wars of Religion', ch. 3, 'The Religious Context of the English Civil War', ch. 4, 'The Attack on the Church of England in the Long Parliament' and ch. 7, 'The Church in England 1642–1649'.

² John Locke, *Two Tracts on Government*, ed. Philip Abrams (Cambridge, 1967), pp. 160–1, 211.

then heard but of Perjury, Delusion, Hypocrisie, Heresie, Taxes, Excises, Sequestration, Decimation, and a thousand like barbarities: In summe, the solitudes were filled with noble Exiles, the Cities with rapacious Thieves, the Temples with Sacrilegious Villains; They had the spoiles of Provinces, the robbing of Churches, the goods of the slain, the Stock of Pupils, the plunder of Loyal Subjects; no Testament, no State secure, and nothing escaped their cruelty and insatiable avarice.

These evils had now been redressed by an ‘immense, *Platonic* Revolution’, the restoration.³ Into the 1680s, the same political language was widespread and urgent: sectaries and fanatics in the 1640s and 50s had defied both divine law and human law, tearing down the Church and laying waste ‘lives, liberties and estates’ as part of the same enterprise.⁴ Law and religion were inescapably linked, as they had to be if the horrors of the 1640s and 50s were not to recur.⁵

How successful would such rhetoric be? Much would now turn on how the events of the 1640s and 50s were to be depicted and interpreted, and here it was the royalists who won a sweeping victory. The most spectacular propaganda coup of the age was Bishop John Gauden’s compilation from the writings of the king, published within a few days of his execution as *Eikon Basilike*, a work which soon achieved and long retained an emblematic status among royalists: it reached at least sixty-four editions before the Restoration, plus variants, with later editions in 1681, 1685, 1693, 1697, 1706 and 1727; it was included also in the folio collection *The Workes of King Charles the Martyr* (1662), reprinted in 1687, 1735 and 1766.⁶ Nor was the perspective on the Great Rebellion as a martyrology confined to the king himself: it was quickly extended to all who suffered in the royal cause,⁷ and given its most extensive formulation

³ John Evelyn, *A Panegyric to Charles the Second. Presented to His Majestie The XXXIII of April, being the Day of his Coronation. MDCLXI* (London, [1661]), pp. 4–5.

⁴ Tim Harris, ‘“Lives, Liberties and Estates”: Rhetorics of Liberty in the Reign of Charles II’, in Tim Harris, Paul Seaward and Mark Goldie (eds.), *The Politics of Religion in Restoration England* (Oxford, 1990), pp. 217–41, at 231–6. Harris emphasises the importance of a Tory as well as a Whig rhetoric of liberty, so that the 1680s cannot be depicted as ‘a simple struggle between liberty and tyranny’; the fall of James II must be related to his attack on ‘the Tory vision of liberty’.

⁵ See Clark, *Language of Liberty*, for an argument that 1776 and 1798 can in some respects be understood as the realisation of these fears.

⁶ Francis F. Madan, *A New Bibliography of the Eikon Basilike of King Charles the First with a note on the authorship* (London, 1950).

⁷ William Winstanley, *The Loyall Martyrology; or Brief catalogues and characters of the most eminent persons who suffered for their conscience during the late times of rebellion* (London, 1665); David Lloyd, *Memories of the Lives, Actions, Sufferings and Deaths of those Noble, Reverend, and Excellent Personages,*

as late as 1714 in John Walker's massive catalogue of the persecution, expulsion and expropriation of Anglican clergy and dons.⁸

Yet the sanctification of the 'Royal Martyr' that had been so marked in the 1650s evidently did not flourish in the 1660s, and was a minority interest by the time that the political debate was profoundly modified in the Exclusion Crisis. Royalism became more legalistic than devotional.⁹ Key documents in the debate now became the trial of Strafford, edited by the parliamentarian John Rushworth and published in folio in 1679, 1680 and 1700, and the trial of Laud, in *The History of the Troubles and Tryal of the Most Reverend ... William Laud*, also a folio of 1695. Both were overshadowed by *England's Black Tribunall. Set forth in the triall of K. Charles I*, first appearing in 1660 and reaching a seventh edition by 1747, not to mention other accounts of the proceedings, in combination with Heneage Finch's *An Exact and most impartial Accompt of the Indictment, Arraignment, Trial, and Judgement of ... nine and twenty Regicides*, also published in 1660 and reprinted in 1679, 1713, 1724 and 1739.¹⁰ The gallows speeches which it contained made clear the heartfelt and unrevised sectarian motivations of the republicans. The enormous currency enjoyed by the published account of trial of Dr Sacheverell, the main compendium of political argument for and against the Revolution of 1688, had important precedents. The idiom of commemorative sermons on 30 January, the anniversary of Charles I's execution, similarly evolved between c. 1670 and 1688 from pietistic evocation of a martyrdom to political instruction. Increasingly, the preachers' themes were the elements of royalist political theory, and the countervailing errors of such authors as Knox, Buchanan, Fenner, Cartwright, Goodman, Milton, Baxter and Calamy.¹¹

Historians also, culminating in Clarendon, sifted the events of the

that suffered by Death, Sequestration, Decimation, or otherwise, for the Protestant Religion, and the great principle thereof, allegiance to their Sovereigne, in our late intestine wars (London, 1668).

⁸ John Walker, *An Attempt towards Recovering an Account of the Numbers and Sufferings of the Clergy of the Church of England, Heads of Colleges ... &c. who were sequester'd, harrass'd &c. in the ... times of the grand rebellion* (London, 1714); cf. A. G. Matthews, *Walker Revised* (Oxford, 1948).

⁹ For the importance of legal discourse, see Howard Nenner, *By Colour of Law: Legal Culture and Constitutional Politics in England, 1660–1689* (Chicago, 1977); idem, *The Right to be King: The Succession to the Crown of England, 1603–1714* (London, 1995).

¹⁰ It continued to be complemented by works like *Rebellion sainted: or, king-killing openly avow'd and justify'd, being the dying words of the regicides* (London, 1710).

¹¹ Helen W. Randall, 'The Rise and Fall of a Martyrology: Sermons on Charles I', *HLQ* 10 (1946–7), 135–67 at 147–8, 150, 152; Byron S. Stewart, 'The Cult of the Royal Martyr', *CH* 38 (1969), 175–87.

1640s and 50s again and again. From the Restoration to the Revolution, the royalist interpretation was the prevalent one,¹² and this interpretation normally turned on one central element. Pioneered by Peter Heylyn, Laud's biographer and chaplain, the dominant explanation of the civil war ascribed it to 'Presbyterianism',¹³ a phenomenon that he traced back to the Reformation. Puritanism and the host of extremist sects spawned by the war were all collapsed into Presbyterianism. Much the same politico-theological interpretation was advanced by other writers including Sir William Dugdale, Thomas Hobbes, John Hacket and John Nalson; only with Clarendon's great history, published in 1702–4, did that preoccupation wane.¹⁴ Meanwhile, as a substantial number of clergy separated themselves from the Church in 1660s, refusing to subscribe the Thirty-nine Articles as the Act of Uniformity required, the new denominational pattern seemed to mesh with this emerging historical interpretation: the civil war was laid at the door of Nonconformity. The diverse and often importantly different forces of Elizabethan and Jacobean Puritanism and Separatism, 1640s and 50s sectarianism and enthusiasm, and Scots Covenanting fanaticism were given natural heirs and successors in the separated Dissenters of the 1660s.

All men acknowledged the importance of religion, but all agreed that the religion of one's opponents was merely a mask for baser motives. For Heylyn as for others, the religious explanation of the civil war did not mean the clash of genuine pieties. As he wrote of the Scots rebellion of 1638, 'though *Liturgy* and *Episcopacy* were made the *occasions*, yet they were not the causes of this Warre; Religion being but the vizard to disguise that businesse, which Covetousnesse, Sacrilege, and Rapine had the greatest hand in'.¹⁵ This historiography, true or false, became self-validating; Charles II 'spent much time reading histories of the civil war, which reinforced his conviction that he was facing another attempt to use anti-Popery as a

¹² Royce MacGillivray, *Restoration Historians and the English Civil War* (The Hague, 1974), pp. 2–3, 39, 226–7 and *passim*.

¹³ Peter Heylyn, *Cyprianus Anglicus: or, the History of... William... Lord Archbishop of Canterbury...* (London, 1668); *idem*, *Aerius Redivivus: or, the History of the Puritans* (Oxford, 1670) and other works. For Heylyn see J. A. I. Champion, *The Pillars of Priestcraft Shaken: The Church of England and its Enemies, 1660–1730* (Cambridge, 1992), pp. 64–73.

¹⁴ MacGillivray, *Restoration Historians*, pp. 57, 65, 71–6, 91–2, 111–13, 206–9.

¹⁵ [Peter Heylyn], *Observations on the Historie of the Reign of King Charles Published by H. L. Esq.* (London, 1656), p. 151.

pretext for an attack on the very foundations of monarchy'.¹⁶ His brother drew another conclusion from recent history: as James explained to Barillon, the French ambassador, 'the Anglican Church is so little removed from the Catholic that it should not be difficult to bring the majority of them [the English] to declare themselves openly... they are Roman Catholics without knowing it'.¹⁷

Anxious royalists fearing a recrudescence of popular revolt devised a political language which associated the old republicanism indelibly with the new Nonconformity. Samuel Parker, chaplain to the Archbishop of Canterbury, Gilbert Sheldon, penned his lengthy counterblast to the ex-parliamentarian Andrew Marvell 'chiefly in shewing that certain and inviolable confederacy that there has always been between Non-conformity and the *Good old Cause*'.¹⁸ Yet the royalists did not have it all their own way, and from the late 1670s a rival idiom of political discourse was framed which was to prove just as telling. It was Marvell who did as much as anyone to define the new idiom in his tract of 1677, an anti-popery idiom which was soon crystallized in the Exclusion Crisis. Its thesis was contained in its first paragraph:

There has now for diverse Years, a design been carried on, to change the Lawfull Government of *England* into an Absolute Tyranny, and to convert the established Protestant Religion into down-right Popery: than both which, nothing can be more destructive or contrary to the Interest and Happinesse, to the Constitution and Being of the King and Kingdom.

This he established by a rhetorical denunciation of the Roman Catholic religion. By implication, Marvell now accepted 1660 as the restoration of the ancient constitution and an admirable church; the corruption of these he dated to the mid 1670s.¹⁹ Anti-popery, moreover, was not merely coded language for constitutional fears of an over-powerful monarchy: it arose from widespread antipathy to Catholicism, and fears for the future of the Church that were

¹⁶ John Miller, *Bourbon and Stuart: Kings and Kingship in France and England in the Seventeenth Century* (London, 1987), p. 221.

¹⁷ Quoted in John Miller, 'James II and Toleration', in Eveline Cruickshanks (ed.), *By Force or By Default? The Revolution of 1688-1689* (Edinburgh, 1989), pp. 8-27, at 14.

¹⁸ [Samuel Parker], *A Reproof to the Rehearsal Transposed, in a Discourse to its Author* (London, 1673), sig A3v (italics and Roman reversed).

¹⁹ [Andrew Marvell], *An Account of the Growth of Popery, and Arbitrary Government in England. More Particularly, from the Long Prorogation of November, 1675, Ending the 15th of February 1676, till the Last Meeting of Parliament, the 16th of July 1677* ('Amsterdam' [sc. London], 1677), pp. 3, 5-14.

entirely plausible in the light of the retreat of Protestantism in Europe.²⁰

Marvell was far from being an observer equally balanced between the claims of Christian denominations.²¹ His considerable theological learning was most fully revealed in a tract published posthumously in 1680. Although Christ had taken care ‘to instruct his followers in the due Subjection to Governours’, argued Marvell, He had nevertheless chosen ‘to retain his Religion under his own cognizance and exempt its Authority from their jurisdiction’. Marvell traced the stages in the early Church by which ‘the Bishops who began to vouch themselves the Successors of *Christ*, or at least of his Apostles, yet pretended to be Heirs and Executors of the *Jewish* High Priests, and the Heathen Tyrants’, combining religious with civil authority. Although Marvell endorsed the action of the Council of Nicea in censuring Arianism, he contended that the Council thereby ‘undermined the fabrick of Christianity, to frame a particular Doctrine’, by violating Christ’s ‘first Institution of a Church, not subject to any Addition in matters of Faith, not liable to Compulsion, either in Belief or in Practice’. Councils which issued such decrees were as much human contrivances as was Papal government or England’s establishment, he implied.²² Whiggery had as much of a theological and ecclesiological component at its outset as did Toryism.

This was true also of the republican Colonel Algernon Sidney, executed for treason in 1683.²³ In his final statement, he gave a précis of the contractual theory that was contained in his manuscript published in 1698 as *Discourses Concerning Government*, and summed it

²⁰ Jonathan Scott, ‘England’s Troubles: Exhuming the Popish Plot’ in Harris, Seaward and Goldie (eds.), *Politics of Religion*, pp. 107–31. For English Catholicism, see especially John Miller, *Popery and Politics in England 1660–1688* (Cambridge, 1973), chs. 1–4.

²¹ Andrew Marvell (1621–78); almost converted to Roman Catholicism by Jesuits while a student at Trinity College, Cambridge; by c. 1650 he was a supporter of the Commonwealth and admired for his learning by Milton. From 1660 to 1678 he sat as MP for Hull, a virulently republican critic of the restored monarchy. He attacked Samuel Parker’s *A Discourse of Ecclesiastical Polity* (1670) in *The Rehearsal Transpros’d* (1672, 1673), and was a polemicist against High Church positions for the rest of that decade.

²² Andrew Marvell, *A Short Historical Essay touching General Councils, Creeds, and Impositions in Matters of Religion. Very Seasonable for Allaying the Heats of the Church* (London, 1680), pp. 3, 10, 19, 22.

²³ Jonathan Scott, in *Algernon Sidney and the English Republic, 1623–1677* (Cambridge, 1988) and *Algernon Sidney and the Restoration Crisis, 1677–1683* (Cambridge, 1991) has retrieved Sidney from his mythical role as a prophet of the 1689 settlement and replaced him in a much older politico-theological context.

up as the doctrine 'That God had left Nations unto the Liberty of setting up such Governments as best pleased themselves.' If any thought God's presence merely token, Sidney went to the scaffold with a fervent prayer:

The Lord forgive these Practices, and avert the Evils that threaten the Nation from them. The Lord Sanctifie these my sufferings unto me; and though I fall as a Sacrifice unto Idols, suffer not Idolatry to be Established in this Land. Bless thy People, and Save them. Defend thy own Cause, and Defend those that Defend it. Stir up such as are Faint; Direct those that are Willing; Confirm those that Waver; Give Wisdom and Integrity unto All. Order all things so as may most redound unto thine own Glory. Grant that I may Dye glorifying Thee for all thy Mercies; and that at the last Thou hast permitted me to be Singled out as a Witness of thy Truth; and even by the Confession of my Opposers, for that old cause in which I was from my Youth engaged, and for which Thou hast Often and Wonderfully declared thy Self.²⁴

A critic pointed out: '*Bless Thy People and save Them*' meant 'Thy chosen People, that set up Order by Confusion, Religion by Schism, and Reformation by Desolation. *Defend the Cause* of a Christian Rebellion against an Antichristian Monarchy.' Sidney's statement could only be paralleled by

some of the old King's Regicides Executed at *Charing Cross*, Here the *Good Old Cause* is expressly asserted, even on the Scaffold, nay, and made no less than the very *Shibboleth* of God. The often and wonderful Successes of a once prosperous Rebellion, and consequently Blood and Sacrilege, the destruction of the *Protestant Church*, and the solemn Murder of the best of Kings, made no less than the *Miraculous Work* of the Almighty Hand, and the distinguishing *Declaration of Heaven* it self.²⁵

Sidney's detractors equally stressed the social constituency of the rebellion he had planned, the 'Traiterous and Disloyal Subjects of both Houses, assisted by the Presbyterians, Independents, Anabaptists and other wild Enthusiast[s] & Dissenters from the Church of *England*'. This indeed was the 'Good Old Cause' of which Sidney had claimed membership, a cause in which Dissenters were inevitably involved, 'Heaven being a Monarchy'. It was this Old Cause 'that under Pretence of Reformation, abolished the Apostolical Government of Episcopacy, turned St. *Paul's* Cathedral into a

²⁴ *The Very Copy of a Paper Delivered to the Sheriffs, Upon the Scaffold on Tower-hill, on Friday Decemb. 7. 1683. By Algernoon Sidney, Esq; Before his Execution there* (London, 1683), p. 3.

²⁵ [Elkanah Settle], *Remarks on Algernoon Sidney's Paper, Delivered to the Sheriffs at his Execution* (London, 1683), pp. 3-4.

Horse-Guard, robbed and defaced Churches, turned the Lawful Pastors out of Doors, and Committed the poor Sheep to the care and keeping of the Wolves, of Sectaries, Schismatics and Hereticks.²⁶

William, Lord Russell, in his last statement before his execution the same year, expressed the wish that ‘all sincere Protestants may love one another, and not make way for Popery by their Animosities’. In the paper he delivered to the sheriffs as a valediction he wrote chiefly of God’s mercies to him, his religious upbringing, and his assurance of redemption which sustained him at his execution. His greatest wish was that ‘all our unhappy Differences were removed, and that all sincere Protestants would so far consider the Danger of Popery, as to lay aside their Heats, and agree against the Common Enemy’. The Popish Plot, he had thought to be real: ‘I did believe, and do still, that Popery is breaking in upon the Nation’; his friends should ‘endeavour to amend their ways, and live suitable to the Rules of the true Reformed Religion’. Russell presented himself not only as an innocent victim, but as a Protestant martyr.²⁷

Russell professed to act from a belief ‘*That Popery is Breaking-in upon the Nation*’; Sir Roger L’Estrange replied that what this meant in practice was the murder of the Duke of York ‘(nay and the *King* too) by the Pretending *Anti-Papal Party*’, whose real principle was far from religious zeal: ‘*This Doctrine of Resistance in case of Religion, is the Source of all our Feares, and Jealousies, Seditions and Conspiracies . . . This Proposition is not only an Incentive to a Rebellion, and a Justification of it; but it makes the Concealment of the Conspirators as much a Point of Conscience, as the Treason it self.*’ The logic of exclusion pointed to a republic: ‘the Monarchy it self will be found as Great a *Grievance*, as the next Heir’.²⁸ Russell’s statement was influential nevertheless: ‘the Dissenters’, wrote one critic, ‘greedily

²⁶ *Reflections upon Coll. Sidney’s Arcadia; and the Old Cause, being some Observations Upon his Last Paper, Given to the Sheriffs at his Execution* (London, 1684), pp. 4–5, 14–16. The author noted Lord Russell’s adherence to the same principles, Russell having been educated by ‘one *Lewis* a factious and Pragmatical Presbyterian’, intruded into the living of ‘Totnam-High-Cross’ (p. 6).

²⁷ *The Speech Of the Late Lord Russel, To the Sheriffs: Together with the Paper deliver’d by him to them, at the Place of Execution, on July 21. 1683* (London, 1683), pp. 1–4.

²⁸ [Sir Roger L’Estrange], *Considerations upon a Printed Sheet Entitled the Speech Of the late Lord Russel to the Sheriffs: Together, With the Paper delivered by Him to Them, at the Place of Execution, on July 21 1683* (London, 1683), pp. 4, 15, 24.

swallow down all that is said in that Paper, as if the supposed Author were a Martyr, and the words as true as Gospel'.²⁹

Russell's apologia, according to the lawyer Heneage Finch, expressed the doctrine of 'a Liberty in the People to acquire that which they apprehend to be their Right, and for their Preservation, by force, which they cannot obtain from their Princes by fair means, upon the account of a Supream Law for preservation of themselves, and their Religion, inherent to all Governments'. It was a doctrine which echoed 'that venomous Book of *Julian*,³⁰ so much hugged and applauded by the Conspirators, as a fit Plaister composed of Ancient Christian Practices, for such Consciences who might entertain the least scruple against Infamous Libelling of their Prince, or using any force or Coercion upon the Government'.³¹

Armed conspiracies against Charles II only prompted churchmen to depict him more emphatically as an anointed monarch, guarded by Providence against those 'two sorts of men, that are restless and implacable, and always working under ground, and both of them with an equal pretence of Religion: I mean the Papist and the Fanatick'.³² The Church trod a *via media* in this key area of political allegiance as well as in its devotions. However true a Protestant Algernon Sidney had been, noted a critic, he only echoed Cardinal Bellarmine's doctrine that 'all Governments ought to be Elective'.³³ By the 1680s, and after the implications of Whig resistance theory had become clear, the threat which John Locke had diagnosed in 1660 remained a real one. Rational men with an interest in the new science liked to claim that all this was in the past, as did Sir Peter Pett in 1681: 'The old way of arguing about speculative points in religion with passion and loudness . . . is grown out of use, and a gentlemanly candour in discourse of the same with that moderate temper that men use in debating natural experiments has succeeded in its room'.³⁴ This may have been true of the Royal Society, but society at large was still

²⁹ *Animadversions Upon a Paper, Entitled, The Speech of the late Lord Russell, &c.* ([London, 1683]), p. 1.

³⁰ Samuel Johnson, in *Julian the Apostate* (London, 1683), had argued for a right of rebellion against an apostate sovereign (by implication, a Stuart monarch who converted to Rome).

³¹ [Heneage Finch], *An Antidote against Poison: Composed of some Remarks upon the Paper printed by the direction of the Lady Russel, and mentioned to have been delivered by the Lord Russel to the Sheriffs at the place of his Execution* ([London, 1683]), p. 5.

³² William Sherlock, *Some Seasonable Reflections on the Discovery of The late Plot. Being a Sermon Preacht on that Occasion* (London, 1683), pp. 5–6.

³³ *Reflections upon Coll. Sidney's Arcadia*, p. 10.

³⁴ Quoted in Mark Goldie, 'Sir Peter Pett, Sceptical Toryism, and the Science of Toleration in the 1680s', *SCH* 21 (1984), 247–73, at 265.

periodically convulsed by the old passions. 'All our late troubles have been owing to the differences of Religion', wrote William Sherlock in 1683; only union could cure the problem, and that had to mean union in the Church of England.³⁵ How feasible that aspiration was depended on the nature of the regime restored in 1660.

II. THE DEFINITION OF A NEW ORDER

What marked 1660 as the beginning of a distinct era in English history was not the disappearance of the old problems, for they did not disappear, but the emergence of new answers.³⁶ In this sense, the Restoration had many novel features. The return of Charles II to his throne was obviously spoken of as a restoration, but the extension of the label to cover the whole period up to the Revolution of 1688 was a much later convention. If 'the Restoration' implies a turning back of the clock, a re-creation of the social order which prevailed before the civil war, few labels could be more misleading. However strong men's yearnings for stability and order, too much had changed under the impact of rebellion and war for an old order to be easily recreated.³⁷ Many things therefore remained uncertain. Charles II was restored without prior conditions set by Parliament or the army, the sects or the Scots. Disunity in the army and Parliament had undermined the republic, and it was this disunity which ruled out in advance any negotiated settlement of the issues which had produced twenty years of conflict. The situation in May 1660 was neither a reversion to the position before 1640 nor an institution of a wholly new system. The nature of the restored regime had to be worked out in the years that followed.

Yet Charles's government enjoyed the priceless advantage that most of his subjects saw a return to the old ways as both desirable and feasible; many spoke of the Restoration as a 'revolution', a turn of Fortune's wheel which returned them to the monarchical order which prevailed before the 'rebellion'. In many areas of life, the

³⁵ Sherlock, *Some Seasonable Reflections*, pp. 17–18.

³⁶ Jonathan Scott, in his work on Algernon Sidney and elsewhere, has rightly insisted that the crises of 1640–9, 1678–83 and 1688–9 are part of a continuum created by the advance of the Counter-Reformation.

³⁷ For general surveys see especially Ronald Hutton, *The Restoration: A Political and Religious History of England and Wales 1658–1667* (Oxford, 1985); Paul Seaward, *The Cavalier Parliament and the Reconstruction of the Old Regime, 1661–1667* (Cambridge, 1988); John Spurr, *The Restoration Church of England, 1646–1689* (New Haven, 1991).

Restoration established ruling assumptions without legislation. Most obviously, the monarchy was thought to validate a social order conceived as a hierarchy. Whatever the social standing of the republican leaders, royalists could play on the idea of the social order as a unitary whole, dependent on the crown. Charles reminded the peers, on the eve of the restoration, that 'the Streams of your own Honour must necessarily faile, when the Fountain which should feed them is diverted'.³⁸ Too much had occurred in the interregnum to threaten the social standing of nobility and gentry for this to be denied. 'I thought it a crime to be a nobleman', recorded Lord Willoughby of Parham in 1644,³⁹ although he was a parliamentarian. To Samuel Pepys, writing on 18 April 1660, 'it is now clear that either the Fanatiques must now be undone, or the Gentry and citizens throughout England and clergy must fall'.⁴⁰

This idea of hierarchy had begun in a less diversified society; yet far from fading away with England's increasing commercial prosperity and occupational diversity, its hold steadily strengthened during the long eighteenth century. The idea of hierarchy was not a nostalgic appeal to a simpler world, but an increasingly useful comment on the gradations of status occupied by the burgeoning middle ranks. Contemporary descriptions of the social hierarchy were never rigidly defined: there was always ambiguity and fluidity in the ranking of particular occupational groups, and distinctions between them were not intended to reflect the hard lines of caste or guild. Status was a compound of many attributes, so that descriptive language evolved. By 1700, the term 'gentleman' was much more prevalent than it had been a century earlier,⁴¹ and words like 'yeoman' and 'artificer' were in decline. The predominant image of the social order was arrayed along a spectrum from patrician to plebeian. The object of the idea of hierarchy was not to create a rigid society of clearly-defined castes but to explain how status and function were inherent because providential. Providential, but not

³⁸ *A Letter from his Maty. King Charles II. To his Peers the Lords in England* [?London, 1659/60], p. 1.

³⁹ Willoughby of Parham to Earl of Denbigh, June 1644, quoted in Brian Manning, *The English People and the English Revolution* (2nd edn., London, 1991), p. 358.

⁴⁰ *The Diary of Samuel Pepys*, ed. Robert Latham and William Matthews (11 vols., London, 1970-83), I, p. 111.

⁴¹ Keith Wrightson, 'The Social Order of Early Modern England: Three Approaches', in Lloyd Bonfield, Richard M. Smith and Keith Wrightson (eds.), *The World We Have Gained* (Oxford, 1986), pp. 177-202.

inescapable: as the Church's catechism taught, it was one's duty to fill that station in life to which God *would* call one.⁴² Within that Anglican mental universe persisted the observed contradictions of deference and defiance, co-operation and conflict.

Other areas of life were shaped by statute. Here, the political and social order defined by the legislation and ideology of the period 1660–88 differed most from its pre-war form. The innovations were indeed larger than in 1688–89, when many men praised the restricted nature of the Revolution, yet in 1660 too there were many deliberate attempts at a moderate settlement. The pre-war order was not, importantly, restored with any massive act of revenge. Physical reprisals were uncommon. Although the Presbyterian-dominated Convention Parliament itself excepted fifty-six men from the Act of Indemnity and Oblivion (1660), only fourteen were actually executed. The problem of estates confiscated during the wars – lands formerly owned by the crown, by the Church, and by royalist gentry – was settled by individual arrangement, negotiation, compromise or litigation rather than by a single, centrally-imposed scheme. Here too, the Restoration was very far from a systematic act of retribution. Nor was 'Absolutism' among the new initiatives of 1660. Charles I, whatever his early innovations, had died presenting himself as a martyr for the Church of England and the 'ancient constitution', that interlinking of King, Lords and Commons whose antiquity, though partly mythical, gave it enormous prescriptive authority. Charles II inherited this ideal. Despite his years of exile in France, he showed no intention systematically to remodel England's government on European lines.⁴³ France, with its massive standing army and salaried central bureaucracy, offered few easily-adaptable precedents for the English case.

Although Charles's first minister Sir Edward Hyde (created Earl of Clarendon in 1661) complained that his sovereign had 'little reverence or esteem for antiquity, and did in truth so much condemn old orders, forms and institutions, that the objections of novelty

⁴² For this framework of ideas see especially A. M. C. Waterman, 'The nexus between theology and political doctrine in Church and Dissent', in Knud Haakonssen (ed.), *Enlightenment and Religion: Rational Dissent in Eighteenth-century Britain* (Cambridge, 1996), pp. 193–218.

⁴³ For the unreality of an antithetical distinction between 'absolute' and 'limited' monarchy, and the widespread desire to reconcile monarchy with the rights of subjects see Miller, *Bourbon and Stuart*, p. 256 and *passim*.

rather advanced than obstructed any proposition',⁴⁴ Charles was too indolent to attempt a clean sweep, and lawyers, statesmen and divines more than made up for what he lacked in this area. Clarendon had begun his political career as a supporter of Parliament, and sided with the king only to preserve the moderate middle ground of constitutional royalism.⁴⁵ Like most supporters of that position, he saw no incompatibility between divine right and constitutionalism.⁴⁶ Members of the Cavalier Parliament, according to Sir Roger North,

came up full of Horror at the very Thoughts of the past Miseries of the Civil War, and firmly resolved (if by any Means in their Power it might be done) to prevent the like for the future. This Determination of theirs ... was manifested in all their Proceedings, especially against the Sectaries; which tended to deprive them of those Handles and Pretensions they had used for bringing on the Rebellion.

What was done 'for the Church and Crown' was 'true *English Policy* for the Preservation of Law and Property', not 'the Result of a chimeric Loyalty'. Moreover, insisted North, such action was effective.⁴⁷ Royalists were realists, not romantics. In the last analysis, their loyalty would be to Church before King.

Charles II inherited a constitutional position more restricted than his father's. The Cavalier Parliament's Act for the Safety and Preservation of His Majesty's Person and Government (13 Car. II, c. 1) nullified only legislation that had not received the royal assent, so that the constitutional revolution of the early years of the Long Parliament stood, including its fiscal provisions. Legislation of 1641, accepted by Charles I, had abolished the courts of High Commission and Star Chamber, provided for the triennial sitting of Parliament and the exclusion of bishops from the House of Lords. On the other hand, attempts in the Convention Parliament to restrict the powers of the monarchy, including the right to nominate ministers and command the militia, failed; a Commons Bill to define and confirm 'fundamental laws' stalled in committee in the Lords. The Cavalier Parliament instead agreed to make Charles II secure in his

⁴⁴ *The Life of Edward Earl of Clarendon* (2 vols., Oxford, 1857), II, p. 226.

⁴⁵ This reinterpretation is indebted to B. H. G. Wormald, *Clarendon: Politics, Historiography and Religion 1640-1660* (Cambridge, 1951; revised edn., 1989).

⁴⁶ Edmond S. De Beer, in John W. Yolton (eds.), *John Locke: Problems and Perspectives* (Cambridge, 1969), pp. 37-8.

⁴⁷ Roger North, *Examen: or, an Enquiry into the Credit and Veracity of a Pretended Complete History* (London, 1740), pp. 427-8.

command of a regularly-funded militia by its Militia Act of May 1661, and it was this Act (13 Car. II, c. 6) whose preamble explicitly disavowed the idea that the Lords or Commons had any share in the Crown's sovereignty.⁴⁸

Just as parliaments before the civil war showed no systematic desire to claim a co-ordinate share of sovereignty with the king, so parliaments after the Restoration expressed no such programme either. As Sir William Coventry, MP, explained the received wisdom, 'We do not take ourselves to be part of the government, for then the government is no monarchy. We are only a part of the legislature.'⁴⁹ It was not a preconceived design by the Lower House but mounting practical conflict from the 1670s that estranged the two and led the king to seek to rule without Parliament after 1681. This was possible since, in 1664, Parliament agreed to the repeal of the Triennial Act of 1641, which had largely abrogated the crown's power to summon and dissolve Parliament at will; now, the Commons was content with a new Bill that stated an ideal but lacked a mechanism of enforcement. When a meeting of Parliament fell due in 1684 under the 1664 Act, the ministry ignored it. How long it could have continued to do so we cannot know, for the king's death in 1685 meant Parliament's automatic dissolution and the election of a new one.

The financial settlement meanwhile broke decisively from the old assumption that the monarch should pay the ordinary costs of government from feudal dues and the income from the crown's estates: 'fiscal feudalism'⁵⁰ was now abolished, and the monarchy retained little of its landed wealth. To fight the civil war, Parliament had devised two new taxes which were to be of fundamental importance: the excise duty and the land tax. Because they worked, they were retained at the Restoration, and became the basis for a new fiscal regime. The crown's ordinary revenues were now to come from taxes, from customs and from excise duties, voted by Parliament for the life of the king (or sometimes in perpetuity). Non-parliamentary taxation was a thing of the past. The crown and Parliament were now locked together in a fiscal system which looked

⁴⁸ C. C. Weston and J. R. Greenberg, *Subjects and Sovereigns: the Grand Controversy over Legal Sovereignty in Stuart England* (Cambridge, 1981), pp. 153–6.

⁴⁹ A. Grey (ed.), *Debates in the House of Commons, 1667–94* (10 vols., London, 1769), IV, p. 169, quoted in John Miller, 'Charles II and His Parliaments', *TRHS* 5th ser., 32 (1982), 1–23, at 4.

⁵⁰ 'Fiscal feudalism' is a modern term covering a variety of sources of royal income, from extra-parliamentary taxation like ship money to practices like wardship and purveyance.

primarily to trade rather than to land. Charles II was, moreover, granted a projected annual revenue which was evidently acceptable to him and to Parliament. The fiscal settlement was a compromise, but one which thereby created a new order.⁵¹

Since 'fiscal feudalism' was at an end, one key controversy was resolved. The king would no longer initiate extra-parliamentary taxation, whether by reviving ancient levies, rights or duties or by stretching them; he would not therefore be accused of legislating on his own authority. Henceforth, all were agreed that a law was a Bill which had passed through both Houses of Parliament and received the royal assent.⁵² In that sense, Charles II and James II were no absolutists. The sensitive area now shifted from the contested allegation that early-Stuart monarchs thought that they could make law alone to the undoubted fact that late-Stuart monarchs thought that they had a common-law prerogative to dispense subjects from obligations set by statute law in special circumstances – circumstances, moreover, of which the monarch was the only judge. Most sensitive of all, late Stuart monarchs wished to use that dispensing power in the area of religion. Here there was little common ground.

The Restoration was a restoration of the monarchy, not of the Church. With the pre-war Laudian Church in ruins and moderation apparently represented by the Presbyterians, some form of Presbyterian settlement seemed in 1660 the most likely. Only in retrospect is it obvious that the outcome was to be quite different, for it was in the area of religion that the Restoration regime was least of a compromise. The hierarchy of church government by archbishops, bishops, deans, chapters and archdeacons was to be reassembled, and with clearer definition than before. It was not, in the intention of Charles or Clarendon, to be a Laudian hierarchy, its bishops claiming *jure divino* authority: bishops were to be powerful state servants, not a separate caste. Yet statesmen were unable to prevent exactly this interpretation being placed on episcopacy as the Church steadily distanced itself from Lutheran and Calvinist influences.

⁵¹ C. D. Chandaman, *The English Public Revenue 1660–88* (Oxford, 1975); Patrick K. O'Brien and Philip A. Hunt, 'The Rise of a Fiscal State in England, 1485–1815', *Historical Research* 66 (1993), 129–76; Michael J. Braddick, *The Nerves of State: Taxation and the Financing of the English state, 1558–1714* (Manchester, 1996). Although 'fiscal feudalism' was over, parliamentary taxation only reinforced the old assumption that the king should 'live of his own'. The assumption was undermined by the events of Charles's reign.

⁵² Until, of course, the transfer of the Crown was effected in 1689 by the Lords and Commons alone, without the monarch's consent.

Only the church courts were restored in a weakened form, and lost much of their residual power by the end of the century. Convocation too was demoted when it surrendered the right to tax the clergy independently of Parliament in 1664.⁵³ At parish level, the restored Church was far more subject to the laity than Archbishop Laud would have accepted. To no great degree was the Church settlement the planned triumph of a pre-war Laudianism;⁵⁴ more importantly, it came to be influenced less by Laudians than by a new breed of (what later became known as) High Churchmen, men whose churchmanship was defined by a patristic stress on the Apostolic succession and by the parallel political principle of divine indefeasible hereditary right: Dissenters were thereby both unchurched and identified as politically suspect. In one way, the Church became more political as the State became more heavily involved with the Church. In return for surrendering the right to tax themselves, the clergy acquired votes in parliamentary elections. The political preferences of the local incumbent now became a matter of central concern. Until the end of the old order, the endlessly-repeated trope was 'Church and State'. The respective claims of sacred and secular authority were defined by the doctrine of passive obedience: that if the subject were confronted by an unjust command of the civil power he was neither to obey (as Filmer demanded) nor resist (as sectaries claimed and did) but practice what is today called civil disobedience, patiently accepting any penalties for inactivity. 'Passive obedience' became the defining symbol of the Anglican middle ground between Rome and Geneva, and the ideological keystone of the most stable and coherent state form in Europe.⁵⁵

This seemed necessary because it was English republicanism that collapsed in the late 1650s, not the hotter sorts of Protestantism. In early 1660, Covenanting Presbyterians in Scotland, Ulster and England were co-operating in an attempt to ensure that the king's return would be on the condition of the Solemn League and Covenant, which he had subscribed (under duress) as the price of

⁵³ This was evidently Sheldon's own scheme, intended to strengthen the links between clergy and laity: Hutton, *Restoration*, pp. 213–14.

⁵⁴ See especially Robert S. Bosher, *The Making of the Restoration Settlement: The Influence of the Laudians 1649–1662* (Westminster, 1951), corrected by I. M. Green, *The Re-establishment of the Church of England 1660–1663* (Oxford, 1978).

⁵⁵ 'Passive obedience' was later denigrated by Whigs as a synonym for total obedience: this was a misrepresentation. Filmer, for example, argued *against* the idea of passive obedience.

Scots support in 1650.⁵⁶ Although the sects lost their political arm, they could still muster significant numbers: 35,000 to 60,000 Quakers, 25,000 Baptists, several thousand millenarians like the Fifth Monarchists.⁵⁷ Only later did most of them become quietist and otherworldly in their orientation. In the 1660s, they remained, as they had been in the 1640s and 1650s, passionately committed to the overthrow of hierarchy in society as well as in the Church. No groups were more consistent in their defiance of authority and their rejection of order and decorum; sometimes they were to use violence to achieve their ends.⁵⁸ The problem of religious pluralism was, in part, the problem of how to contain such forces. As we now know, their political regrouping was to be prevented by the re-establishment of a Church both theologically and politically effective. Yet this was not obvious in 1660. In London the Fifth Monarchists, led by Thomas Venner, rose in bloody rebellion in January 1661, possibly only the tip of the iceberg; as the deadline for complying with the Act of Uniformity approached (24 August 1662), the Corporation Act and legislation against Quakers began to bite, 'rumours of an impending rising poured into Whitehall'. In October 1663, a concerted rising of sectaries in the northern counties actually materialised, and despite the small numbers involved the government interpreted it as a major threat: twenty four men were executed. In 1664, with Charles's protection of the Quakers withdrawn after the rising, the Cavalier Parliament passed the Conventicle Act to penalise Dissenting religious gatherings of more than five persons. Widespread persecution followed.⁵⁹

The preferences of the king and his chief minister were quite different from this High Church hegemony, however. While in exile, Charles was evidently impressed by the strength of Presbyterianism, and willing to find an accommodation with it. Neither he nor Clarendon returned to England with a blueprint for a religious settlement. Neither sought the exclusively Anglican settlement that

⁵⁶ Green, *Re-establishment*, pp. 13–16.

⁵⁷ Seaward, *Restoration*, p. 42.

⁵⁸ J. F. Macgregor and B. Reay, *Radical Religion in the English Revolution* (Oxford, 1984); Richard L. Greaves, *Deliver Us from Evil: the Radical Underground in Britain, 1660–1663* (New York, 1986); idem, *Enemies Under his Feet: Radicals and Nonconformists in Britain, 1664–1677* (Stanford, 1990); idem, *Secrets of the Kingdom: British Radicals from the Popish Plot to the Revolution of 1688–1689* (Stanford, 1992).

⁵⁹ Hutton, *Restoration*, pp. 178, 205–6, 208–13. The Conventicle Act expired in 1668, but a second passed in 1670. It should be remembered that legal action against the Quakers was taken under both Cromwell and Charles II, and for similar reasons.

was later driven through by the Cavalier Parliament; indeed Charles tried to frustrate it, and failed.⁶⁰ A powerful, hierarchical Church was restored, made more resolute and more aware of its theoretical foundations by the experience of persecution, but without the element of comprehension that Clarendon would have preferred.

Charles II's declaration, dated at Breda on 4/14 April 1660, combined the offer of a general pardon to those who 'return to the Loyalty and Obedience of good Subjects, excepting onely such Persons as shall hereafter be excepted by Parliament', with an apparent promise of religious toleration:

And because the Passion & uncharitableness of the times have produced several opinions in Religion, by which men are engaged in parties and animosities against each other which when they shall hereafter unite in a freedom of conversation, will be composed or better understood: We do declare a liberty to tender Consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of Religion, which do not disturb the peace of the Kingdom.⁶¹

One option before the public in 1660 was for the restoration of a limited episcopacy (by analogy with limited monarchy) in which bishops would exercise their powers of ordination and moral discipline only in association with senior parish clergy.⁶² The 'Convention Parliament', which sat until March 1661, was clearly sympathetic to the Presbyterians. Its Act of September 1660, generally known as the Act for Settling Ministers, restored surviving clergy who had been ejected ('sequestered') under the Commonwealth, but only if those now removed were compensated, and generally confirmed other existing incumbents in their livings even if they had not received episcopal ordination. The mass expulsion of parliamentarian clergy was clearly not intended.⁶³ The Declaration of Breda said nothing about ecclesiastical polity, but Presbyterians had not abandoned the objections to episcopacy and episcopal

⁶⁰ Clarendon was more of a loyal churchman than Charles, whose sympathies for Roman Catholics were of long standing. For Clarendon's moderation but commitment to the principle of a state religion and private hostility to the Presbyterians see Wormald, *Clarendon* and Green, *Re-establishment*, pp. 203–36. For the development of these problems see Gordon J. Schochet, 'From Persecution to "Toleration"', in J. R. Jones (ed.), *Liberty Secured? Britain Before and After 1688* (Stanford, 1992), pp. 122–57.

⁶¹ *King Charles II. His Declaration To all His Loving Subjects of the Kingdome of England . . . together with His Maiesties Letter Of the same Date: To his Excellence The Ld. Gen. Monck* (London, 1660), pp. 4–5.

⁶² Green, *Re-establishment*, p. 8; Hutton, *Restoration*, pp. 143–4.

⁶³ Green, *Re-establishment*, pp. 39–60.

ordination that dated back to the late sixteenth century. Charles evidently envisaged substantial concessions to them, anticipated in the royal declaration drawn up after the Worcester House conference of October 1660: in it, Charles pointed clearly to limited episcopacy, qualified by presbytery, and a liberty to incumbents to omit parts of the Prayer Book unacceptable to them.⁶⁴

At parish level, however, the tide flowed in the opposite direction: a combination of popular indignation and legal action under the Act for Settling Minsters suggest that about 700 livings changed hands in 1660 alone, but with little conflict. The monarch still pursued 'comprehension'. Over 800 appointments were made to livings in the king's gift between June and September 1660: these showed an ecumenical attitude to the wide spectrum of opinion within the Church. So did appointments to the bench of bishops, which were more often of moderates and conformists than hard-line disciples of Laud: even Richard Baxter and Edmund Calamy, prominent Presbyterians, were offered sees.⁶⁵ Yet this ignored the tide of local affairs: episcopal sees were filled, deans and chapters returned to their cathedrals, the Prayer Book was widely used. In March 1661 parliamentary elections revealed a flood tide of popular churchmanship. Ministerial attempts at pacification failed to take account of this central fact. As in the 1520s and 1530s,⁶⁶ so in the 1640s and 1650s, a centrally-directed campaign to reform parochial religious practice met widespread popular resistance. Although the liturgy of the Book of Common Prayer had been banned, it had continued to be widely used in secret and, finally, in public.⁶⁷ Persecution had produced a renewed popular commitment, sustained by the devotional writings of divines like Richard Allestree,⁶⁸ Henry Hammond,⁶⁹ John Pearson,⁷⁰ Anthony Sparrow,⁷¹ and Jeremy

⁶⁴ G. R. Abernathy, 'The English Presbyterians and the Stuart Restoration, 1648–1663', *Transactions of the American Philosophical Society* 55 (1965), 50–94.

⁶⁵ Green, *Re-establishment*, pp. 49, 52, 97; Hutton, *Restoration*, pp. 144–5.

⁶⁶ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England c. 1400–c. 1580* (New Haven, 1992).

⁶⁷ J. S. Morrill, 'The Church in England 1642–1649' in Morrill, *The Nature of the English Revolution*, pp. 148–75.

⁶⁸ [Richard Allestree], *The Whole Duty of Man* (London, 1658; at least 49 editions by 1832).

⁶⁹ Especially Henry Hammond, *A Practical Catechism* (Oxford, 1644; 15th edn., 1715); *A Paraphrase and Annotations upon all the Books of the New Testament* (London, 1653; 6th edn., 1736).

⁷⁰ John Pearson, *An Exposition of the Creed* (London, 1659; 12th edn., 1741).

⁷¹ Anthony Sparrow, *A Rationale upon the Book of Common Prayer* (London, 1655; 7th edn., 1722).